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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/653,988 | 09/01/2000 | Takashi Matsumoto | 50032-162 | 6825 |

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EXAMINER

SHAPIRO, JEFFERY A

ART UNIT PAPER NUMBER

3653

DATE MAILED: 02/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/653,988

Applicant(s)

MATSUMOTO ET AL.

Examiner

Jeffrey A. Shapiro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6, 9 and 10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 3, 4, 5, 6, 9 and 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/5/03 has been entered.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 2, 3, 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is unclear what is meant by the term "sorter" as Applicant's figure 2, element (9) appears to illustrate a diverter/flipper which diverts a coin or releases a coin from a path to another path.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al (US 6,318,537 B1). Jones et al discloses the following.

As described in Claims 2 and 5;

1. an inserting aperture (14), provided at an upper part of a main body;
2. a *first* sorting unit (32 or 248) (see also col. 14, lines 5-10) comprising a coin discriminating device;
3. a *second* coin sorting unit (40 or 251), located under said *first* sorting unit; (Note that the first sorting unit appears to be a validity determination device while the second sorting unit appears to be a simple diverter mechanism.)
4. a holding unit (52, 54, 56 or 402a-f) provided between said *first* coin sorting unit and said *second* sorting unit; (Note that bin elements (402a-f) are provided between coin storing unit (40 or 251) and the sorting unit (32 or 248.) See also figures 2, 10, 13a-c, 20, 21 and 22a-b.)
5. a coin repayment unit (note, for example, path (410) which leads to outlet (22)), provided at a lower part of said main body;

As further described in Claims 2 and 5;

6. said coin dispensing apparatus has a holding cylinder provided in said holding unit (see figure 5) *for temporally holding said coins sorted in said first sorting unit, said holding cylinder holding said coins for each kind*; (Note also that the coins are construed as being temporally held in

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said first coin sorting unit, said second coin sorting unit, and said holding cylinder as the plain meaning of the word temporally is "for a limited amount of time." Coins are construed as being held in either sorting unit or the holding cylinder for a "limited amount of time.";

7. a wiper provided at a lower part of said holding cylinder (see col. 8, lines 27-35, which discusses a plunger device for removing coins in said cylinders);

8. a second said *second* sorting device provided under said wiper; (See col. 8, lines 24-27, noting that it would be obvious to provide a second sorting device such as (260), as described in figure 15, so as to divert the output of said cylinders to a target requiring coins, such as outlet (22) or (414). Note also that it would appear to be obvious that a diverter mechanism, such as (260) would be required to direct coins to outlets (22 or 414).

8a. *when a coin returning operation is performed after coins are inserted into said coin dispensing apparatus, the inserted coins being temporally held in said holding cylinder are returned;* (Note that this is how the coins are returned in Jones' system.

As described in Claims 3, 5 and 9-10;

9. a coin storing passage (256) connected with said coin storing unit;

10. a repayment passage (410) connected with said coin repayment unit;

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11. a damper (260) (damper is construed to be a diverter) provided in said sorting device;

As described in Claim 4 ;

12. said coins include several types of coins;

As described in Claim 6;

13. operation of said receiving member is linked with said wiper in storing coins in said storing unit, and is not linked with said wiper in sweeping coins to said coin repayment unit; (Note that it appears that operation of the wiper, or plunger type mechanism is linked to said receiving member where synchronization is required between said receiving member and said wiper.)

Response to Arguments

7. Applicant's arguments filed 12/6/03 have been fully considered but they are not persuasive. Applicant asserts that Applicant's wipers are not equivalent to Jones' plungers. However, as illustrated in figure 5 and described in col. 8, lines 32-34, the plunger can be inferred to move through the slot thus striking a bottom-most coin, and moving it through the discharge slot as the plunger moves. Applicant's claims only recite a wiper with no further details. A plunger of Jones behaves as Applicant's wiper behaves with substantially the same results in substantially the same way. If the "for language recited after the term "wiper", for example, of claim 2 is considered, the wiper is "for sweeping said coins temporally held in said holding cylinder." Again, the plunger

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action of Jones would be considered to result in a "sweeping" motion, the bottom-most coin of the holding cylinder being the coin affected by the wiper.

Regarding Applicant's "sorters", Applicant's claims do not recite any limitations referring to how the sorter sorts, what criteria is used, etc. In fact, Applicant's "sorters", referred to in figure 2 as element (9), appears to be a "flipper-type" device. This is exactly what Jones discloses and teaches in feature 40, shown in figure 3, for example, as elements (44, 46a-b) as well as figure 5, elements (78a-c). Such flippers are for diverting coins to a correct path. This is the plain interpretation. However, one can construe that sorting is implied, at the very least, since each coin holder/cylinder is for a different denomination. The flippers of both Applicant and Jones appear to be connected to a controller connected to a sorter which determines a coin's denomination. However, technically, the flipper is really not the sorter, but is a distribution apparatus, distributing a coin to a particular path or releasing it to a path. Applicant's assert that the "plain and ordinary meaning of the term 'sorting unit'" is "a device that sorts." However, it appears that this is an incorrect assertion, again, since the alleged sorter (9) of Applicant's device appears to really be a diverter, not a sorter. Therefore, based on the interpretation of Applicant's sorter (9) as a diverter, Jones' diverter/flipper is considered to meet the claim limitations of a "sorter."

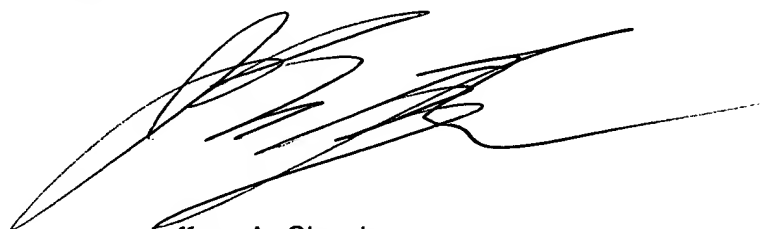
Since Applicant's independent claims, as currently written, and reasonably broadly construed, continue to read on the prior art cited, the rejection is maintained.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on Monday-Friday, 9:00 AM-5:00 PM.

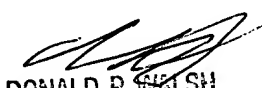
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703)306-4173. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jeffrey A. Shapiro
Examiner
Art Unit 3653

February 22, 2004



DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600